

October 7, 2003

Mary L. Cottrell  
Secretary  
Department of Telecommunications and Energy  
One South Station – 2<sup>nd</sup> Floor  
Boston, MA 02110

*Re: Double Utility Poles D.T.E. 03-87*

*(Executive Summary: Under the framework of existing law, the City of Newburyport has worked for the past 18 months with all utilities to eliminate double poles, but has been unable to make sufficient progress due to the lack of penalties and other remedies.)*

Dear Ms. Cottrell:

The City of Newburyport has been attempting to work in a systematic fashion with utilities to eliminate double poles in this community since the spring of 2002. While a certain amount of progress has been made, the process originally envisioned to take about six months continues with no end in sight. Especially in a beautiful and historic community like Newburyport where ubiquitous double poles mar the streetscape, citizens have expressed a great deal of frustration with both the utilities and all levels of government for not efficiently resolving the situation. In short, additional double poles continue to be installed by Massachusetts Electric, and the other utilities have been unable or unwilling to keep pace. From the perspective of the citizens who call my office every week on the subject, the overall problem appears to have hardly changed as the number of double poles stubbornly remains well over 200.

The City's process has consisted of monthly meetings with representatives of each utility – electric, fire, cable, and telephone – and has centered around the relatively new web-based tracking system. While the parties have taken many months to get used to the new system, it has unquestionably been beneficial. For instance, once the City pushed Massachusetts Electric to finally make a comprehensive City-wide inventory, we found that approximately 150 double poles that were not on any utility's list for removal, half of which were "dead-wood" poles ready to be pulled. The problem is that the tracking and information alone have been far from sufficient to resolve the situation.

Massachusetts Electric has, for the most part, promptly moved over their lines. However, the utility has never had any apparent plan or capacity to "require all other users to remove their wiring and other attachments from the poles in a timely manner," so that they could come anywhere close to removing the double poles within 90 days as required by Chapter 164: Section 34B. In addition, the reports generated by the web-based tracking system do not appear to include any dates, so it is impossible for a

municipal observer to determine how long individual poles have been out of compliance.

The system upgrades pursued by Mass. Electric impose a significant burden on the municipal Fire Department, which employs only one half-time lineman to handle all new fire alarm service as well as transfers and repairs. My understanding is that fire departments and their representatives have not been involved so far with the DTE-sponsored statewide negotiations with Mass. Electric and Verizon. In Newburyport, to date, the Fire Department has borrowed resources from other communities in order to work the backlog down to about 57, and hopes to complete the backlog in about the next three months. However, Mass. Electric anticipates a big new project in the spring which will generate a substantial number of additional double poles. Perhaps some kind of provision or compensation could be made to soften this unfunded mandate for the municipal fire departments affected.

The cable company (now Comcast) has also not been involved in the statewide negotiations, to my understanding, and has moved only sporadically to transfer their equipment. The telephone company Verizon has moved even slower. Verizon officials have indicated that they have few resources to devote to this lower-priority problem, and have recently committed to removing 10 double poles per month. As they currently have approximately 250 to work on, we are looking at about two years of work without taking into account Mass. Electric's intended addition of a significant number of additional double poles. While we sympathize with the scarcity of Verizon's resources, the combination of the electric utility's projects and the lack of follow-through mean that the City and its inhabitants and visitors will continue to be forced to live indefinitely with this problem.

In summary, the approach to this problem MUST change if we are to ever get double poles down to an incidental level. I believe that there must be explicitly defined penalties established for utilities that do not follow through quickly (with some provision made for municipal fire departments), and a strong, realistic enforcement mechanism established. The Commonwealth will likely be in a stronger position than municipalities to levy fines. Perhaps model local ordinances could be provided that could supplement state law. I look forward to your work on this matter, and thank you for your consideration of these comments. If you have any questions, please do not hesitate to call me at (978) 465-4400.

Sincerely,

Geordie Vining  
Senior Project Manager